

23181. Misbranding of sirup. U. S. v. 5 Cases of Syrup. Default decree of condemnation and destruction. (F. & D. no. 33258. Sample no. 70429-A.)

Sample cans of sirup taken from the shipment involved in this case were found to contain less than 1 gallon, the labeled volume. The product was an imitation maple sirup and was not so labeled.

On August 15, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five cases of sirup at Jersey City, N. J., alleging that the article had been shipped in interstate commerce, on or about February 15, 1934, by Dryden & Palmer, Inc., from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "D. & P. Gotham Syrup. A Blend of Pure Rock Candy Syrup and Imitation Maple Flavor Dryden & Palmer Incorporated, Brooklyn, New York. [embossed on can near top] 1 Gal."

Misbranding was alleged in that the statement on the can, "1 gal.", was false and misleading, since the cans contained less than 1 gallon; in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since it was not readily observed and the quantity stated was not correct; and in that it was an imitation of another article, namely, maple sirup, and was not so labeled.

On October 24, 1934, no claimant having appeared, judgment of condemnation was entered and destruction of the product was ordered.

M. L. WILSON, Acting Secretary of Agriculture.

23182. Adulteration and misbranding of canned asparagus cuts. U. S. v. 736 Cases of Asparagus Cuts. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 33279. Sample nos. 5802-B, 5803-B, 5804-B.)

This case involved a product labeled to convey the impression that it consisted of cut asparagus, a term implying the presence of the entire edible portion of the stalk cut up. Examination showed that it contained no tips but consisted of butts and center pieces.

On August 18, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 736 cases of canned asparagus cuts at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, in various shipments or about June 8, June 15, and July 5, 1934, by John V. Sharp Canning Co., from Williamstown, N. J., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Violet Brand Green Asparagus Cuts * * * Packed by John V. Sharp Canning Co., Williamstown, N. J."

The article was alleged to be adulterated in that butts and center pieces of asparagus had been substituted for cut asparagus stalks.

Misbranding was alleged for the reason that the statement on the label, "Asparagus Cuts", was false and misleading and tended to deceive and mislead the purchaser, when applied to a product containing hard fibrous pieces or butts and no tips.

On October 24, 1934, Comly, Flanigen Co., Inc., Philadelphia, Pa., having appeared as claimant, judgment of condemnation and forfeiture was entered, and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, Acting Secretary of Agriculture.

23183. Adulteration and misbranding of macaroni. U. S. v. 25 Cases of Macaroni. Default decree of condemnation and destruction. (F. & D. no. 33285. Sample no. 6572-B.)

This case involved a shipment of macaroni which was found to be insect-infested. Sample packages taken from the shipment were also found to contain less than 1 pound, the weight declared on the label. The product was labeled to convey the impression that it was manufactured by a firm other than the actual manufacturer.

On or about August 22, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 cases of macaroni